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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,336	05/24/1999	BRYAN JEFFERY MOLES	STA.WTL.001	8986
23990	7590	03/14/2005	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			APPIAH, CHARLES NANA	
			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 03/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/317,336	<b>Applicant(s)</b> MOLES ET AL.	
	<b>Examiner</b> Charles Appiah	<b>Art Unit</b> 2686	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25 and 31-35 is/are rejected.
- 7) ☒ Claim(s) 26-30 and 36-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments, see Reply, filed on 14 September 2004, with respect to the rejection(s) of claim(s) 21-25 and 31-35 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited references – Cook et al. (6,006,106) and Yamada et al. (5,504,803).

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-23 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Cook et al. (6,006,106)**.

Regarding claims 21 and 31, Cook discloses a multi-mode mobile station (multiple radio mobile transceiver apparatus, col. 3, lines 36-37) and a method of operating a multi-mode mobile station capable of accessing a first radio system using a preferred radio protocol (trunked radio system transceiver or digital trunked RF communications system), and further capable of accessing a second radio system using a less-preferred radio protocol (conventional RF transceiver, non-trunked wide area RF

communications system, e.g., VHF, UHF, or any RF band-split that provides wide-area coverage) (see col. 3, lines 36-43, col. 4, line 66 to col. 5, line 12), and processing circuitry, associated with the RF module (see Fig. 2, col. 6, lines 49-61), capable of determining the quality of first control channel signals received from the first radio system, and determining the quality of second control channel signals received from the second radio system (feature of receiving from respective transceivers audio quality measurements, 1-6), wherein the processing circuitry, in response to a determination that the quality of the first control channel signals is sufficient to prevent the multi-mode mobile station from losing access to the first radio system currently selected radio - trunked system having equal to or greater than minimum audio quality and hence selecting trunked system, see col. 8, lines 22-61), further determines from the quality of the first control channel signals whether the first radio is able to provide an optimum signal quality (user always being able to use a particular transceiver system that provides the best signaling quality, see col. 8, lines 17-21).

Regarding claims 22 and 32, Cook further discloses wherein the processing circuitry, in response to a determination that the first radio system is not able to provide an optimum signal quality, determines from the quality of the second control channel signals whether the second radio system is able to provide a better radio service than the first radio system (see col. 8, lines 1-61).

Regarding claims 23 and 33, Cook further discloses wherein the processing circuitry in response to a determination that the second radio system is able to provide a

better radio service than the first radio system, causes the RF module to access the second radio system instead of the first radio system (see col.8, lines 34-51).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24, 25, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cook et al** as applied to claims 23 and 33 above, and further in view of **Yamada et al. (5,504,803)**.

Regarding claims 24, 25, 34 and 35, Cook fails to explicitly teach wherein the first and second control channel signals comprise at least one of: 1) pilot channels signals associated with the first radio system and 2) paging channel signals associated with the first radio system and second radio system respectively.

Yamada discloses a method for automatic mode selection for a dual mode telephone handset, which operates in a PCS mode and a WTS mode and respectively includes control channels (see col. 9, lines 10-26), which can also act as both paging and access channels (see col. 5, lines 3-35, col. 13, lines 10-39).

It would therefore have been obvious to one of ordinary skill in the art, at the time of the invention, to combine Yamada's dual-mode feature of control channels, which acts as both paging and access channels with Cook's automatic transceiver

system in order to ensure the proper reception of signals for providing quality communications.

***Allowable Subject Matter***

6. Claims 26-30 and 36-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoki et al. (5,535,430) discloses a mobile communication terminal usable for both satellite and terrestrial communications  
Nitta et al. (5,950,127) discloses a system for switching between a ground system mode and a satellite system mode by a mobile station.  
Ormson (EP 1 424 862) discloses a dual mode mobile communication device for selecting a communication network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**